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EXAMINER

TANG, KENNETH

ART UNIT PAPER NUMBER

2195

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/921,222

Applicant(s)

STRINGHAM, GARY G.

Examiner

Kenneth Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 14 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14 and 18-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This action is in response to the Amendment filed on 5/11/05. Applicant's arguments have been fully considered and are now moot in view of the new grounds of rejections.
2. Claims 1-8, 14, and 18-28 are presented for examination:

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. The claimed invention is directed to non-statutory subject matter. In newly added claim 28, a "computer-readable medium" is claimed but it is not made explicitly clear whether this computer-readable medium is exclusively claimed to be tangible such as a storage device or if this could be intangible such as a carrier wave. Applicant's specification does not give any support for this "computer-readable medium". Examiner requests the Applicant to show the support in the specification for the "computer-readable medium".

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 and 18-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

- a. In claim 1, "where the non-printing task is not a task associated with being processed by a printing device" (lines 5-6) is indefinite because this contradicts the limitation (on lines 9-10) "causing the printing device to execute the non-printing task". The former states that the non-printing task is not processed by the printing device but the latter states that the printing device executes the non-printing task.
- b. In claim 18, the term "large" (line 7) is a relative term which renders the claim indefinite. The term "large" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-8, 18-19, 21-23, 25-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokomizo et al. (hereinafter Yokomizo) (US 6,321,266 B1) in view of Okazawa (US 6,459,496 B1).**

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3. As to claim 1, Yokomizo teaches a method for distribution of a task, by a host computer, to a device that comprises an address and a processor having an idle state, the method comprising the steps of:

formatting a task and execution instructions in a packet (*col. 1, lines 10-17, and 44-51*);  
transmitting the packet to the printing device for generation of a result file by a processor within the printing device in response to the execution instructions (*col. 65, lines 31-44, col. 62, lines 40-48*); and  
receiving the results file by the host computer from the printing device (*col. 65, lines 31-44, col. 62, lines 40-48*).

4. Yokomizo teaches identifying packets when they are assigned before transmitting to the device over a network. However, Yokomizo fails to explicitly teach that the task being a non-printing task. However, Okazawa teaches tasks in a sleep state or idle state (non-printing task) and to awake a sleep state or idle state to print in a network printing system (*see Abstract, col. 1, lines 11-15, etc.*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of non-printing tasks to the existing network printing system of Yokomizo because this would increase the efficiency of power consumption (*col. 1, lines 11-15, etc.*).

5. As to claim 2, Yokomizo teaches wherein the processor runs an alternate personality of a plurality of personalities and the packet is processed by the alternate personality (*col. 63, lines 45-55*). It is noted that in Applicant's own Specification and Admitted Prior Art that this

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limitation is not novel (see [0006]-[0007] of Patent Application Publication US 2003/0033352 A1).

6. As to claim 3, Yokomizo teaches wherein the plurality of personalities comprises one or more of a POSTSCRIPT or PCL personality (*col. 63, lines 45-55*). It is noted that in Applicant's own Specification and Admitted Prior Art that this limitation is not novel (see [0006]-[0007] of Patent Application Publication US 2003/0033352 A1).

7. As to claim 4, Yokomizo teaches wherein the address is a network address (*col. 12, line 20*).

8. As to claim 5, Yokomizo teaches wherein the network address is an Internet protocol address (TCP/IP) (*col. 12, line 20*).

9. As to claim 6, Yokomizo teaches wherein the network address is an Ethernet address (*col. 12, line 20*). It is noted that in Applicant's own Specification and Admitted Prior Art that this limitation is not novel (see [0003] of Patent Application Publication US 2003/0033352 A1).

10. As to claim 7, Yokomizo teaches the step of the host computer transmitting an executable file to the device for use by the processor in order to process the task (*col. 71, lines 1-46*).

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11. As to claim 8, Okazawa teaches wherein the device identifies the task as an idle state task in response to a port of the device over which the packet is received (identifying status as sleep-state or print-ready state) (*see Abstract, etc.*).

12. As to claim 18, Yokomizo teaches a computer system for minimizing processing time for large processing job requests, including a computer in communication with at least one remote peripheral device having a processor, memory, and an operating system, the system comprising:

means for parsing tasks from the large processing job request that is originally requested to be executed by the computer (*col. 14, lines 11-15*);

means for generating a task comprising data and execution instructions from the large processing job request (*col. 1, lines 44-51*);

means for wrapping the task with a functionality label to form a packet (*col. 65, lines 31-44, col. 62, lines 40-48*);

means for transmitting the packet to the at least one remote peripheral device for processing by the at least one remote peripheral device to generate task results (*col. 65, lines 31-44, col. 62, lines 40-48*); and

means for receiving the task results from the at least one remote peripheral device (*col. 65, lines 31-44, col. 62, lines 40-48*).

13. Yokomizo teaches identifying packets when they are assigned before transmitting to the device over a network. However, Yokomizo fails to explicitly teach that the task being a non-printing task. However, Okazawa teaches tasks in a sleep state or idle state (non-printing task) and to awake a sleep state or idle state to print (executing the non-printing task) in a network

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printing system (*see Abstract, col. 1, lines 11-15, etc.*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of non-printing tasks to the existing network printing system of Yokomizo because this would increase the efficiency of power consumption (*col. 1, lines 11-15, etc.*).

14. As to claim 19, Yokomizo teaches:

means for receiving the packet at the at least one remote peripheral device (*col. 65, lines 31-44, col. 62, lines 40-48*);

means for processing the task with the necessary functionality, according to the execution instructions, and generating the task results (*col. 65, lines 31-44, col. 62, lines 40-48*);

means for capturing the task results (*col. 65, lines 31-44, col. 62, lines 40-48*); and

means for addressing the task results for return to a transmitting computer (*col. 65, lines 31-44, col. 62, lines 40-48*).

Harif teaches:

means for determining a necessary functionality for processing the task from the wrapper label (*page 4, [0032]*);

means for unwrapping the packet (*page 4, [0032]*);

15. As to claim 21, Yokomizo teaches wherein the at least one remote peripheral device is one of a printer, a scanner, gaming systems, and a personal digital assistant (*printer, scanner, Fig. 17*).



16. As to claim 22, Yokomizo teaches a means for storing the task in memory of the at least one remote peripheral device (external device) (*Fig. 17, 107R*).

17. As to claim 23, it is rejected for the same reasons as stated in the rejection of claim 18 (see references of Yokomizo and Harif). In addition, Yokomizo teaches having memory that stores programming commands (*Fig. 9, items 1002 and 1003*).

18. As to claim 25, Yokomizo teaches wherein the task comprises at least one data file (*col. 71, lines 59-67 through col. 72, lines 1-5*).

19. As to claim 26, Yokomizo teaches wherein the task comprises at least one executable file (*col. 71, lines 59-67 through col. 72, lines 1-5*).

20. As to claim 28, it is rejected for the same reasons as stated in the rejection of claim 1. In addition, Okazawa teaches determining that a host computer is to increase processing power for executing a plurality of jobs awaiting execution by the host computer because the broadest reasonable interpretation of this is merely determining when a sleep or idle state is awakened from the sleep mode (*see Abstract, col. 1, lines 11-15 and 26-32, etc.*).

21. Claims 14, 20, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokomizo et al. (hereinafter Yokomizo) (US 6,321,266 B1) in view of Okazawa (US

**6,459,496 B1), and further in view of Herrendoerfer et al. (hereinafter Herrendoerfer) (US 6,473,759 B1).**

22. As to claim 14, Yokomizo teaches a method for distribution of a task, by a host computer, to a printer, where the printer comprises an operating system that includes and operating system, the printer having an idle state during which printing is not performed, the method comprising the steps of:

identifying a task at the host computer where the task is initially configured to be executed by the host computer and is identified to be distributed to the printer for processing by the printer where the printer functions as a distributed computing device;

formulating the task into an executable form (*col. 1, lines 10-17, and 44-51*);

wrapping task execution instructions in a packet (*col. 65, lines 31-44, col. 62, lines 40-48*);

labeling the packet for process (*col. 65, lines 31-44, col. 62, lines 40-48*);

transmitting the packet to the printer for generation of results (*col. 65, lines 31-44, col. 62, lines 40-48*); and

the host computer receiving the results from the printer (*col. 65, lines 31-44, col. 62, lines 40-48*).

23. Yokomizo teaches identifying packets when they are assigned before transmitting to the device over a network. However, Yokomizo fails to explicitly teach that the task being a non-printing task. However, Okazawa teaches tasks in a sleep state or idle state (non-printing task) and to awake a sleep state or idle state to print in a network printing system (*see Abstract, col. 1,*

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*lines 11-15, etc.*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of non-printing tasks to the existing network printing system of Yokomizo because this would increase the efficiency of power consumption (*col. 1, lines 11-15, etc.*).

24. Yokomizo and Okazawa fails to explicitly teach having a Java interpreter for the printing network. However, Herrendoerfer teaches a JAVA interpretation process for a TCP/IP network (*col. 1, lines 35-55*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of having a Java interpreter network to the existing TCP/IP communications network because the adding the Java component will increase effectiveness and simplify programming efforts (*col. 1, lines 35-40*).

25. As to claim 20, Yokomizo in view of Okazawa teaches wherein the necessary functionality is a JAVA Virtual Machine. However, Herrendoerfer teaches a JAVA interpretation process in a JVM for a TCP/IP network (*col. 1, lines 35-55*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of having a JVM in a Java interpreter network to the existing TCP/IP communications network because the adding the Java component will increase effectiveness and simplify programming efforts (*col. 1, lines 35-40*).

26. As to claims 24 and 27, they are rejected for the same reasons as stated in the rejection of claim 20.

### *Response to Arguments*

27. During patent examination, the pending claims must be “given their broadest reasonable interpretation consistent with the specification.” *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

28. Applicant’s arguments have been fully considered but are now moot in view of the new grounds of rejections.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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